

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

BOOTTIQUE, INC.

Case No. _____

Plaintiff,

v.

ONLY HANGERS, INC.,

Defendant.

COMPLAINT AND JURY DEMAND

Plaintiff Boottique, Inc. (“Boottique”), for its Complaint against Defendant Only Hangers, Inc. (“OHI”), states and allege as follows:

THE PARTIES

1. Boottique is a Minnesota corporation with its principal place of business at 801 12th Avenue North, Minneapolis, MN 55411.

2. Upon information and belief, OHI is a Florida corporation with its principal place of business at 900 Sixth Avenue South, Suite 203, Naples, Florida, 34102.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States, including 35 U.S.C. §§ 271 and 281-285.

4. This Court has subject matter jurisdiction over this matter under 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this Court under 28 U.S.C. §§ 1391(b) and 1400(b) because OHI is subject to personal jurisdiction in this judicial district and, on information and belief, has committed acts of infringement in this district.

BOOTTIQUE'S PATENT RIGHTS

6. Boottique is a Minnesota company founded by attorney Lindsay J. Sokolowski. Boottique's signature product is The Boot Hanger, a patented device designed to hang footwear in a space-efficient and safe manner. The Boot Hanger preserves shape, decreases wear and is adjustable.

7. Boottique is the owner, by assignment, of United States Patent No. 7,775 410 B2, entitled "Boot Holding Devices" (the "'410 patent"). A copy of the '410 patent is attached as Exhibit A.

COUNT ONE – INFRINGEMENT OF THE '410 PATENT

8. OHI makes, sells and advertises a boot hanger for sale in the United States, product number SPECH140 (hereafter "Accused Product").

9. The Accused Product infringes one or more claims of the '410 patent, including at least claim 1. As a result, OHI has infringed the '410 patent by importing, manufacturing, using, selling, or offering to sell the Accused Product in the United States.

10. OHI's infringement of the '410 patent has damaged Boottique, and Boottique will continue to be damaged in the future and will suffer further irreparable

injury, for which Boottique has no adequate remedy at law, unless OHI is preliminarily and permanently enjoined from infringing the '410 patent.

11. Upon information and belief, OHI's infringement of the '410 patent has been willful, deliberate, and intentional.

PRAYER FOR RELIEF

WHEREFORE, Boottique prays for judgment that:

- A. The '410 patent is valid and infringed by OHI;
- B. OHI and its officers, agents, servants, directors, employees, affiliated entities, and those persons in active concert or participation with any of them, be enjoined from further infringement of the '410 patent;
- C. OHI and its officers, agents, servants, directors, employees, affiliated entities, and those persons in active concert or participation with any of them, be enjoined from continuing to manufacture, use, sell, or offer to sell the Accused Product;
- D. An accounting be had for the profits and damages arising out of OHI's infringement of the '410 patent;
- E. Boottique be awarded compensatory and exemplary damages, including treble damages for willful infringement as provided by 35 U.S.C. § 284, with interest, but no less than a reasonable royalty;
- F. Boottique be awarded its attorneys' fees, costs, and expenses in this action pursuant to 35 U.S.C. § 285 and Fed. R. Civ. P. 54;

G. Boottique be awarded pre-judgment and post-judgment interest on its damages, as allowed by law; and

H. Boottique be awarded such other relief as this Court may deem just, equitable, and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Boottique respectfully requests a trial by jury.

Dated: March 18, 2011

s/ Lora M. Friedemann
Lora M. Friedemann (#259615)
FREDRIKSON & BYRON, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402-1425
(612) 492-7185
(612) 492-7077 (fax)

**ATTORNEYS FOR PLAINTIFF
BOOTTIQUE, INC.**

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